

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

**MOLIERE DIMANCHE,**

**Plaintiff,**

**v.**

**Case No. 6:22-cv-2073-CEM-DCI**

**TAKELA JACKSON, R.  
TABBARA, NICOLAS LUCIANO  
MONTES, OFFICER JOHN DOE,  
PHIL DIAMOND, DEBORAH  
BRADLEY, TERRI WILSON,  
ROSE ACOSTA, AMY  
MERCADO, JULIA L. FREY,  
CITY OF ORLANDO, TROY  
STICKLE, and JANE DOE,**

**Defendants.**

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**ORDER**

THIS CAUSE is before the Court on Defendants', Phil Diamond, Terri Wilson, Deborah Bradley, and Rose Acosta, Motion to Dismiss Amended Complaint (Doc. 70); Defendants', Orlando Police Department, Takela Jackson, R. Tabbara, Officer John Doe, and Nicolas Luciano Montes, Motion to Dismiss Counts 1, 2, 3, 6, 7, and 8 of the Amended Complaint (Doc. 73); Defendants Amy Mercado and Troy Stickle's Motion to Dismiss the Amended Complaint (Doc. 74) (collectively, "Motions to Dismiss"); and Defendant, Julia L. Frey's, Motion to Dissolve

Plaintiff's Notice of Lis Pendens ("Motion to Dissolve," Doc. 92). Plaintiff filed Responses<sup>1</sup> (Doc. Nos. 77, 78, 81) to the Motions to Dismiss. The United States Magistrate Judge issued a Report and Recommendation ("R&R," Doc. 100), recommending that the Motions to Dismiss be denied as moot and the Motion to Dissolve be denied without prejudice. (*Id.* at 1, 11–12). The Magistrate Judge also recommended that the Amended Complaint (Doc. 63) be dismissed without prejudice pursuant to the *Younger* doctrine. (Doc. 100 at 12); *Younger v. Harris*, 401 U.S. 37 (1971)).

Defendant Julia L. Frey filed an Objection (Doc. 101), which provides new information that became available after the Magistrate Judge issued the R&R. (*Id.* at 4). In response, the Magistrate Judge vacated the R&R in part to the extent that it recommends that the Motion to Dissolve be denied without prejudice. (May 25, 2023 Order, Doc. 102, at 2). The Magistrate Judge also indicated that he would issue a new report and recommendation that addresses the Motion to Dissolve, which considers the information presented in Frey's Objection. (*Id.*). Thus, as explained by the Magistrate Judge, Frey's Objection is now moot as it pertains to the instant R&R.

No other objections were filed to the R&R. Therefore, after review in accordance with 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72, the

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<sup>1</sup> Plaintiff incorrectly titles its Responses as a Replies. (Doc. 78 at 1; Doc. 77 at 1; Doc. 81 at 1).

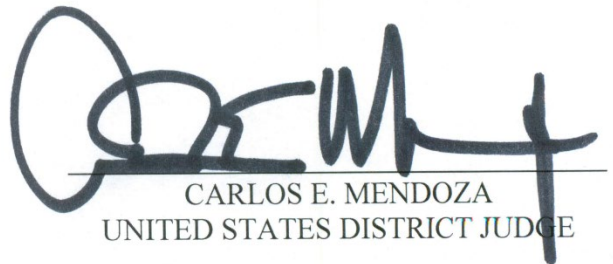
Magistrate Judge’s recommended disposition—to the extent that the R&R has not been vacated—is accepted. Accordingly, it is **ORDERED** and **ADJUDGED** as follows:

1. The Report and Recommendation (Doc. 100) is **ADOPTED** and made a part of this Order, to the extent that it has not been vacated.
2. Defendants’, Phil Diamond, Terri Wilson, Deborah Bradley, and Rose Acosta, Motion to Dismiss Amended Complaint (Doc. 70) is **DENIED as moot**.
3. Defendants’, Orlando Police Department, Takela Jackson, R. Tabbara, Officer John Doe, and Nicolas Luciano Montes, Motion to Dismiss Counts 1, 2, 3, 6, 7, and 8 of the Amended Complaint (Doc. 73) is **DENIED as moot**.
4. Defendants Amy Mercado and Troy Stickle’s Motion to Dismiss the Amended Complaint (Doc. 74) is **DENIED as moot**.
5. Plaintiff’s Amended Complaint (Doc. 63) is **DISMISSED without prejudice** pursuant to the *Younger* doctrine.
6. To the extent Plaintiff seeks monetary damages, this case is **STAYED**.
  - a. Within fourteen days of completion of the underlying state court proceedings, Plaintiff shall notify the Court, at which point the Court will lift the stay.

- b. Within fourteen days of the stay being lifted, Plaintiff may file a second amended complaint.
- c. Failure to timely notify the Court of the completion of the underlying state court proceedings or failure to timely file an amended complaint will result in dismissal of this case without further notice.

7. The Clerk is directed to administratively close this case.

**DONE** and **ORDERED** in Orlando, Florida on May 31, 2023.



CARLOS E. MENDOZA  
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record  
Unrepresented Party